

- (2) Economic Research Service
- (3) Extension Service
- (4) Federal Corp Insurance Corporation
- (5) Food and Consumer Service
- (6) Food Safety and Inspection Service
- (7) Foreign Agricultural Service
- (8) Grain Inspection, Packers and Stockyards Administration
- (9) National Agricultural Library
- (10) National Agricultural Statistics Service
- (11) Office of the General Counsel
- (12) Office of the Inspector General

Done in Washington, DC, this 8th day of December, 1995.

Dan Glickman,

Secretary of Agriculture.

FR Doc. 95-30674 Filed 12-21-95; 8:45 am]

BILLING CODE 3410-01-M

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. 95-048DF]

RIN 0583-AC03

Use of the Fast Antimicrobial Screen Test for Bob Veal Calves

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to permit the use of the Fast Antimicrobial Screen Test (FAST) in its bob veal calf residue testing program. Under FSIS' residue testing program, carcasses of bob veal calves are subject to specific regulatory requirements for residue testing by FSIS inspectors to assure that adulterated meat does not enter human food channels. Until recently, the Calf Antibiotic and Sulfonamide Test (CAST) was the only official test authorized for use in the bob veal calf residue testing program. FSIS has now developed FAST, which is an enhanced and equally effective version of CAST that provides results after 6 hours of incubation, compared to 18-24 hours of incubation for CAST. This action will permit the use of FAST in lieu of CAST under FSIS' bob veal calf residue testing program.

DATES: This rule will be effective on February 20, 1996, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before January 22, 1996. If FSIS receives adverse comments or notice of intent to submit adverse comments, FSIS will withdraw this rule and publish a proposed rule for public comment.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, Docket #95-048DF, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

SUPPLEMENTARY INFORMATION:

Background

In June 1984, as a result of findings of increased levels of sulfonamide and antibiotic residues in young calves, FSIS promulgated an interim rule (49 FR 23602; affirmed 50 FR 32162) that amended the Federal meat inspection regulations (9 CFR parts 309, 310 and 318) by establishing an intensified residue testing program for bob veal calves (calves up to 3 weeks in age or 150 pounds in weight). FSIS was concerned with findings of increased levels of sulfonamide and antibiotic residues in young calves, and undertook an emergency rulemaking to decrease the likelihood that adulterated meat would enter into human food channels. FSIS determined that carcasses and parts thereof from bob veal calves are adulterated under the Federal Meat Inspection Act if they bear or contain sulfonamide or antibiotic residues other than in accordance with tolerances established by the Food and Drug Administration.

In the interim rule, FSIS stated that CAST, a swab bioassay test, would be the official test used to screen carcasses of bob veal calves. In trial testing, FSIS had found CAST to be extremely reliable in detecting violative levels of antibiotics and sulfonamides in animal tissues.

FSIS has recently developed a new test that, like CAST, is designed to detect the presence of sulfonamide and antibiotic residues in animal tissues. FAST is similar to and is performed in a similar manner to CAST. The major advantage of FAST is that test results can be obtained in 6 hours, instead of the 18-24 hour period required for CAST. FSIS' in-plant trial testing of FAST has shown that FAST is equivalent to CAST in detecting sulfonamide and antibiotic residues in animal tissues.¹

Therefore, FSIS is amending § 310.21 to add FAST as an alternative to CAST for use by inspectors in testing carcasses and parts of bob veal calves for sulfonamide and antibiotic residues.

¹ Results of the in-plant trial for FAST are available for review in the Office of the FSIS Docket Clerk, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Effective Date

This rule is being published without a prior proposal because this action is viewed as noncontroversial, and FSIS does not anticipate any adverse public comments will be received. This rule will be effective 60 days after the date of publication in the Federal Register unless FSIS receives written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the Federal Register.

If FSIS receives adverse comments or notice of intent to submit adverse comments, FSIS will withdraw this rule and publish a proposed rule for public comment.

If no adverse comments are received, FSIS will publish a notice in the Federal Register confirming that the rule is effective on the date indicated.

Executive Order 12866

This rule is considered not significant and therefore has not been reviewed by the Office of Management and Budget.

Effect on Small Entities

The Administrator, FSIS, has determined that this rule will not have a significant impact on a substantial number of small entities. The rule permits the use of an alternate test, which can provide results in less than half the time than the original test. Carcasses that test negative could be released on the day of slaughter, which will modestly benefit the meat industry.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule (1) preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

List of Subjects in 9 CFR part 310

Meat inspection, Residue testing.

For the reasons discussed in the preamble, FSIS is amending part 310 of the Federal meat inspection regulations (9 CFR Part 310) as follows:

PART 310—[AMENDED]

1. The authority citation for part 310 continues to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

2. The introductory text and footnote to paragraph (c) of § 310.21 are revised to read as follows:

§ 310.21 Carcasses suspected of containing sulfa and antibiotic residues; sampling frequency; disposition of affected carcasses and parts.

* * * * *

(c) * * * The inspector shall perform a swab bioassay test¹ on:

* * * * *

Done at Washington, DC, on: December 14, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-31017 Filed 12-21-95; 8:45 am]

BILLING CODE 3410-DM-P

9 CFR Part 318

[Docket No. 95-035F]

RIN 0583-AB96

Potassium Hydroxide as a Hog Scald Agent

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Affirmation of effective date.

SUMMARY: On October 23, 1995, the Food Safety and Inspection Service (FSIS) published a direct final rule, "Potassium Hydroxide as a Hog Scald Agent." This direct final rule allows the use of potassium hydroxide in hog scald and hair removal processes. No adverse comments were received in response to the direct final rule. Therefore, this rule is effective on December 22, 1995.

EFFECTIVE DATES: December 22, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 720-7164.

SUPPLEMENTARY INFORMATION: This notice affirms the effective date of the direct final rule, "Potassium Hydroxide as a Hog Scald Agent," that was published on October 23, 1995, at 60 FR 54295. This direct final rule allows the use of potassium hydroxide in hog scald and hair removal processes. FSIS did not receive any written adverse comments or written notice of intent to submit adverse comments in response to this rule. Therefore, the effective date of the rule is December 22, 1995.

¹ The procedures for performing the swab bioassay test are set forth in one of two self-instructional guides: "Performing the CAST" or "Fast Antimicrobial Screen Test." These guides are available for review in the office of the FSIS Docket Clerk, Room 4352 South, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on: December 14, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-31018 Filed 12-21-95; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

RESOLUTION TRUST CORPORATION

12 CFR Chapter XVI

Effectiveness of RTC Regulations After RTC Termination

AGENCIES: Federal Deposit Insurance Corporation and Resolution Trust Corporation.

ACTION: Joint notification of status of regulations.

SUMMARY: The Resolution Trust Corporation (RTC) and the Federal Deposit Insurance Corporation (FDIC) are issuing this joint document to inform the public regarding the effectiveness of the RTC's regulations after RTC termination. In accordance with the Federal Home Loan Bank Act, the RTC will terminate on December 31, 1995, and the FDIC will succeed the RTC as receiver for any remaining RTC receiverships and will be responsible for managing any remaining assets and liabilities of the RTC transferred to the FSLIC Resolution Fund. Congress did not include any provision transferring the RTC's regulations to the FDIC. The two corporations have considered these issues and are publishing this document to inform the public that, when the FDIC assumes responsibility for the RTC's functions at termination, the RTC's regulations generally will not govern the FDIC's performance of these functions for occurrences that arise post-termination, and that the FDIC's regulatory scheme generally will govern former RTC activities on a prospective basis.

EFFECTIVE DATE: December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Jamey Basham, Counsel, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, (202) 898-7265, or Karen L. Main, Senior Attorney, Legal Division, Resolution Trust Corporation, 1717 H Street NW., Washington, DC 20006, (202) 736-3096.

SUPPLEMENTARY INFORMATION:

A. General Rule

Section 21A(m)(1) of the Federal Home Loan Bank Act (FHLBA), 12 U.S.C. 1441a(m)(1), provides that the RTC will terminate on December 31, 1995. At that time, the FDIC shall succeed the RTC as receiver of any remaining RTC receiverships. *Id.* In addition, the FDIC will be responsible for managing any remaining RTC assets and liabilities, all of which are transferred to the FSLIC Resolution Fund. Section 21A(m)(2) of the FHLBA, 12 U.S.C. 1441a(m)(2). However, Congress did not include provisions transferring the RTC's regulations, 12 CFR Chapter XVI, to the FDIC. In similar situations when Congress has intended an agency's rules to survive transfer of its functions to a successor, Congress expressly so provided by statute. Therefore, after the RTC terminates on December 31, 1995 and its functions are transferred to the FDIC, the RTC's regulations generally will not govern the FDIC's performance of such functions in dealing with occurrences that arise post-termination. When the FDIC assumes responsibility from the RTC for such functions, the FDIC's regulations generally will govern matters arising on a prospective basis.

However, the termination of the RTC in and of itself does not affect rights or obligations of the RTC or third parties that have arisen under the RTC's regulations as a result of factual occurrences prior to the RTC's termination. The legal consequences of pre-termination conduct governed by the RTC's regulations will continue to be determined under such regulations.

B. The RTC's Affordable Housing Disposition Program

In contrast, the RTC's affordable housing disposition program (AHDP) regulations at 12 CFR part 1609 will continue to govern the sale of the remaining RTC AHDP inventory and other related responsibilities assumed by the FDIC even after the RTC termination date. Since Congress has directed the FDIC to carry out such functions under the provisions of the RTC AHDP statute, section 21A(c) of the FHLBA, 12 U.S.C. 1441a(c),¹ the RTC's AHDP regulations which refine and

¹ Section 21A(c)(17)(C) of the FHLBA provides, *inter alia*, that the FDIC shall carry out any remaining authority and responsibilities of the RTC "under this subsection." 12 U.S.C. 1441a(c)(17)(C). Moreover, section 40(n)(4) of the Federal Deposit Insurance Act provides that the FDIC shall carry out the remaining responsibilities and authority of the RTC as set forth in section 1441a(c) of title 12. 12 U.S.C. 1831q(n)(4).